

## **REMARKS**

Applicants respectfully request consideration of the subject application as amended herein. This Response is submitted in response to the Final Office Action mailed on July 7, 2009. Claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-38 and 57-61 are rejected. In this Response, no claims have been amended, added or canceled. Therefore, claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-38 and 57-61 are presented for examination.

### **Rejections Under 35 U.S.C. § 103**

Claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-38 and 57-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moulden, Jr., et al., (U.S. Publication No. 2006/0206870 A1, hereinafter “Moulden”) in view of Caswell, (U.S. Patent No. 5,964,891, hereinafter “Caswell”) and further in view of Jorapur, (U.S. Publication No. 2003/0204784 A1, hereinafter “Jorapur”).

As an initial matter, applicants respectfully submit that the rejection is improper, because the rejection fails to state that all of the limitations of claim 1 are taught by the combination of Moulden, Caswell and Jorapur. Specifically, the current Office Action fails to state that any of Moulden, Caswell or Jorapur teaches or suggests, “wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system,” as recited in claim 1.

Moreover, the combination of Moulden, Caswell and Jorapur fails to teach or suggest, “wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system.” It has already been established in previous communications (e.g., Office Actions and responses for the present application), that Moulden

fails to teach such a limitation. For example, the Office Action of 10/2/08 stated that Moulden fails to teach or suggest a checksuite that includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system. (Office Action, 10/2/08, page 3).

Caswell teaches a diagnostic system that includes multiple diagnostic modules, each of which is preconfigured to perform one or more particular tests. (Caswell, Abstract). In Caswell, the tests that each diagnostic module is able to perform are predetermined tests designed for a **particular system**. (Caswell, col. 7, lines 21-28). The particular system on which a diagnostic module of Caswell runs includes a single operating system. Caswell fails to teach or suggest a checksuite that includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system.

Jorapur teaches an automatic test generator for testing an application on a computer system in different configurations. (Jorapur, Abstract). These different conditions may vary by provided resources, provided services, provided stability, input values, application modules, configuration settings, data types, and communication parameters. (Jorapur, par. [0011]; Abstract). However, the tests generated by Jorapur test an **application**. Jorapur fails to teach or suggest tests that test operating systems. Accordingly, Jorapur also fails to teach or suggest a checksuite that includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system.

As an additional matter, the current Office Action states that Moulden teaches editing a checksuite, and then simultaneously applying the edited checksuite to a first machine that includes a first operating system and a second machine that includes a second operating system. (Office Action, 7/7/2009, page 3). Applicants respectfully disagree with Examiner's

interpretation of Moulden. It has already been established in previous communications (e.g., Office Actions and responses for the present application) that Moulden **does not** teach checksuites that are capable of being applied to two or more machines that include different operating systems. For Example the Office Action of 11/16/07 stated that Moulden fails to teach or suggest a check suite applied to two or more machines having different operating systems. (Office Action, 11/16/07, page 4). As discussed above, the Office Action of 10/2/08 further stated that Moulden also fails to teach or suggest a checksuite that includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system. (Office Action, 10/2/08. page 3). Accordingly, Moulden does not teach or suggest simultaneously applying an edited checksuite to a first machine that includes a first operating system and a second machine that includes a second operating system.

The current Office Action cites numerous passages of Moulden in support of the statement that Moulden teaches simultaneously applying an edited checksuite to a first machine that includes a first operating system and a second machine that includes a second operating system. However, at most these passages teach applying a test suite to different machines running versions of **the same operating system**. The cited passages of Moulden do not support the interpretation that Moulden teaches, “simultaneously applying an edited checksuite to a first machine that includes a first operating system and a second machine that includes a second operating system.”

For the above reasons, applicants respectfully submit that the combination of Moulden, Caswell and Jorapur fail to teach or suggest all of the limitations of claim 1 or its dependent claims, and request that the rejection be withdrawn.

Claim 17 includes the language, “wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual

checks that are configured to monitor parameters of a second operating system,” and “simultaneously applying the edited checksuite to the first machine, which includes the first operating system, and a second machine that includes the second operating system.” Claim 33 includes the language, “wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system,” and “applying the edited checksuite to the first machine, which includes the first operating system, and to a second machine that includes the second operating system.” Claim 57 includes the language, “wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system,” and “to simultaneously apply the edited checksuite to the first machine, which includes the first operating system, and to a second machine that includes the second operating system.” As recited above, the combination of Moulden, Caswell and Jorapur fails to teach or suggest all of these limitations. Accordingly, applicants respectfully request that the rejection to claims 17, 33 and 57, and their corresponding dependent claims, also be withdrawn.

## **Conclusion**

Applicants respectfully request the withdrawal of the rejections, and submit that as amended the pending claims 1-4, 7-9, 12-14, 17-20, 23-25, 28-30, 33-38 and 57-61 are patentable the presently cited art. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Benjamin Kimes at (408) 720-8300.

## **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 022666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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/Benjamin A. Kimes/  
Benjamin A. Kimes  
Registration No. 50,870

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(408) 720-8300